COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2014 Legislative Session
Legislative Day #

BILL NO. 2014-02

Introduced by: Charles County Commissioners

SOLAR ENERGY AND WIND ENERGY SYSTEMS

Date introduced: 04 / 01 / 2014

Public Hearing: 05 / 06 / 2014 @ 6:30 p.m.

Commissioners Action: ___ /___ /

Commissioner Votes: CQK:____, RC:____, KR:____, DD:____, BR:

Pass/Fail:

Effective Date: ___ /___ /

Remarks:

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2014 Legislative Session

Bill No. 2014-02

Chapter. No. 297

Introduced by Charles County Planning Division

Date of Introduction April 1, 2014

BILL

AN ACT concerning

SOLAR ENERGY AND WIND ENERGY SYSTEMS

FOR the purpose of

Recognizing the future use of Solar Energy Systems and Wind Energy Systems.

BY Adding:

Chapter 297 – ZONING ORDINANCE

Article III, §297-49(E).

Code of Charles County, Maryland

(2013 Edition)

Chapter 297 – ZONING ORDINANCE

Article IV, § 63, Figure IV-1- Table of Permissible Uses.

Code of Charles County, Maryland

(2013 Edition)

Chapter 297 – ZONING ORDINANCE

Article IX, § 128 – Definitions of terms applicable to Critical Area Zone.

Code of Charles County, Maryland

(2013 Edition)

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

Chapter 297 – ZONING ORDINANCE
Article IX, § 131 – Critical Area Buffer Regulations.
Code of Charles County, Maryland
(2013 Edition)

Chapter 297 – ZONING ORDINANCE
Article XIII, § 211, Alphabetical listing.
Code of Charles County, Maryland
(2013 Edition)

Chapter 297 – ZONING ORDINANCE
Article XIII, § 212 – Uses corresponding with Table of Permissible Uses.
Code of Charles County, Maryland
(2013 Edition)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

Chapter 297. ZONING ORDINANCE

Article III: Definitions and Interpretations

Section 297-49. Word usage; definitions.

E. Definitions.

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PHOTOVOLTAICS -- THE FIELD OF TECHNOLOGY AND RESEARCH RELATED TO THE APPLICATION OF SOLAR CELLS FOR ENERGY BY CONVERTING THE SUN'S ENERGY DIRECTLY INTO ELECTRICITY.

PHOTOVOLTAIC SOLAR CELLS -- SPECIALIZED SEMI-CONDUCTOR MATERIALS THAT ABSORB SUNLIGHT AND CONVERTS IT INTO ELECTRICITY THROUGH A PROCESS KNOWN AS THE PHOTOELECTRIC EFFECT. INTER-CONNECTED ASSEMBLIES OR LAYERS OF THESE SOLAR CELLS ARE INTEGRAL COMPONENTS IN CERTAIN TYPES OF SOLAR ENERGY SYSTEMS, WHICH FORM SOLAR MODULES,

SOLAR PANELS, SOLAR ARRAYS, SOLAR SHINGLES, SOLAR TILES AND THIN-FILMS AMONG OTHERS.

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ROTOR DIAMETER –- THE CROSS SECTIONAL DIMENSION OF THE CIRCLE SWEPT BY THE ROTATING BLADES.

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SOLAR ENERGY SYSTEM -- A SOLAR COLLECTION SYSTEM WHICH RELIES UPON SUNLIGHT AS AN ENERGY SOURCE FOR ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WATER HEATING.

SOLAR ENERGY SYSTEM, GRID, CONNECTED -- A SOLAR COLLECTION SYSTEM THAT GENERATES ELECTRICITY FROM SUNLIGHT AND IS INTERCONNECTED WITH AN ELECTRIC UTILITY POWER GRID. THE SYSTEM MAY RECEIVE BACK-UP POWER FROM A LOCAL UTILITY POWER GRID WHEN THE SYSTEM IS NOT PRODUCING ENOUGH POWER TO MEET DEMAND AND MAY INCLUDE OPTIONAL BATTERY STORAGE EQUIPMENT TO PROVIDE INDIVIDUALS BACK-UP POWER DURING UTILITY RELATED OUTAGES. WHEN THE SYSTEM GENERATES EXCESS POWER IT MAY BE RE-DISTRIBUTED ONTO THE POWER GRID FOR OTHER CUSTOMERS TO UTILIZE, IN ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.

SOLAR ENERGY SYSTEM, GROUND MOUNTED -– A SOLAR COLLECTION SYSTEM THAT IS INSTALLED UPON A POLE, RACK OR SUITABLE FOUNDATION, ON THE SUBJECT PROPERTY.

SOLAR ENERGY SYSTEM, LARGE- – A SOLAR COLLECTION SYSTEM THAT GENERATES ELECTRICITY FROM SUNLIGHT, TO BE SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER

GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

SOLAR ENERGY SYSTEM, OFF-GRID / STAND ALONE –– A SOLAR COLLECTION SYSTEM THAT IS TYPICALLY UTILIZED WHEN A PUBLIC UTILITY POWER SOURCE IS NOT AVAILABLE OR IS NOT COST EFFECTIVE TO CONNECT TO. THIS TYPE OF SOLAR ENERGY SYSTEM MAY INCLUDE BATTERIES OR SOME OTHER FORM OF POWER STORAGE AND/OR A FUELED GENERATOR FOR SUPPLEMENTAL SHORT TERM SUPPORT OR SHAVING PEAK LOADS. THIS SYSTEM IS GENERALLY UTILIZED TO PROVIDE ENERGY TO REMOTE LOCATIONS WHERE POWER IS REQUIRED FOR USES SUCH AS ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WATER HEATING.

SOLAR ENERGY SYSTEM, OWNER -- THE INDIVIDUAL(S) OR ENTITY THAT OWNS, OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE SOLAR ENERGY SYSTEM WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER. THE OWNER COULD BE MULTIPLE PARTIES IN THE CASE OF A POWER PURCHASE AGREEMENT.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED -- A SOLAR COLLECTION SYSTEM THAT IS INSTALLED UPON OR IS PART OF THE ROOF OF A BUILDING OR STRUCTURE LOCATED ON THE SUBJECT PROPERTY. SYSTEMS INTEGRATED AS AWNINGS OR ATTACHED TO THE ROOFS OF PORCHES, SHEDS, CARPORTS AND COVERED PARKING STRUCTURES ALSO FALL UNDER THIS DISTINCTION.

SOLAR ENERGY SYSTEM, SMALL - - A SOLAR COLLECTION SYSTEM THAT GENERATES ENERGY FROM SUNLIGHT FOR DIRECT CONSUMPTION ON THE SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, IN ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.

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WIND ENERGY SYSTEM -- THE EQUIPMENT THAT CONVERTS AND THEN STORES OR TRANSFERS ENERGY FROM THE WIND INTO USABLE FORMS OF ENERGY.

THIS EQUIPMENT INCLUDES ANY BASE, BLADE, FOUNDATION, GENERATOR, NACELLE, ROTOR, TOWER, TRANSFORMER, VANE, WIRE, INVERTER, BATTERIES, GUY WIRE OR OTHER COMPONENT USED IN THE SYSTEM.

WIND ENERGY SYSTEM, LARGE -- ONE OR MORE PRINCIPAL OR ACCESSORY DEVICES AND ESSENTIAL SUPPORTING STRUCTURES SPECIFICALLY DESIGNED TO CONVERT KINETIC WIND ENERGY TO ELECTRIC POWER, TO BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT PROPERTY, INTER-CONNECTION TO THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

WIND ENERGY SYSTEM, OWNER –- THE INDIVIDUAL(S) OR ENTITY THAT OWNS, OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE WIND ENERGY SYSTEM WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER.

WIND ENERGY SYSTEM, SMALL -- A SINGLE-TOWERED WIND ENERGY CONVERSION SYSTEM THAT IS USED TO GENERATE ELECTRICITY; HAS A RATED CAPACITY OF 15 KILOWATTS OR LESS FOR GROUND-MOUNTED SYSTEMS AND 2 KILOWATTS OR LESS FOR ROOF-MOUNTED SYSTEMS; AND, HAS A TOTAL HEIGHT OF FIFTY (50) FEET OR LESS FOR GROUND-MOUNTED SYSTEMS AND FIFTEEN (15) FEET IN HEIGHT ABOVE THE BASE OF THE MOUNTED WIND ENERGY STRUCTURE FOR ROOF-MOUNTED SYSTEMS.

WIND ENERGY SYSTEM, TOTAL HEIGHT –- THE HEIGHT AS MEASURED FROM THE LOWEST POINT ALONG THE BASE TO THE HIGHEST POINT OF THE SUPPORT TOWER, THE TOP OF THE TURBINE DEVICE, OR THE AREA SWEPT BY THE ROTOR BLADES, WHICHEVER IS GREATEST.

WIND GENERATOR -- THE BLADES AND ASSOCIATED MECHANICAL AND ELECTRICAL CONVERSION COMPONENTS MOUNTED ON TOP OF A WIND TOWER.

WIND ENERGY SYSTEM TOWER -- A MONOPOLE, LATTICE, OR GUYED STRUCTURE THAT SUPPORTS A WIND GENERATOR.

Chapter 297. ZONING ORDINANCE

Article IV: Permissible Uses

Section 297-63. Table of Permissible Uses.

FIGURE IV-1, THE TABLE OF PERMISSIBLE USES, IS INCLUDED AS AN ATTACHMENT TO THIS CHAPTER.

Chapter 297. ZONING ORDINANCE

Article IX: Critical Area Zone (Overlay Zone)

Section 297-128. Definitions of terms applicable to Critical Area Zone.

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NONWATER-DEPENDENT PROJECT—A TEMPORARY OR PERMANENT STRUCTURE THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

A NONWATER-DEPENDENT PROJECT INCLUDES:

A. A DWELLING UNIT ON A PIER;

B. A RESTAURANT, A SHOP, AN OFFICE, OR ANY OTHER COMMERCIAL BUILDING OR USE ON A PIER;

C. A TEMPORARY OR PERMANENT ROOF OR COVERING ON A PIER;

D. A PIER USED TO SUPPORT A NONWATER-DEPENDENT USE; AND,

E. A SMALL-SCALE RENEWABLE ENERGY SYSTEM ON A PIER, INCLUDING:

(1) A SOLAR ENERGY SYSTEM AND ITS PHOTOVOLTAIC CELLS, SOLAR PANELS, OR OTHER NECESSARY EQUIPMENT;

(2) A GEOTHERMAL ENERGY SYSTEM AND ITS GEOTHERMAL HEAT EXCHANGER OR OTHER NECESSARY EQUIPMENT; AND

(3) A WIND ENERGY SYSTEM AND ITS WIND TURBINE, TOWER, BASE OR OTHER NECESSARY EQUIPMENT.

A NONWATER-DEPENDENT PROJECT EXCLUDES:

(1) A FUEL PUMP OR OTHER FUEL DISPENSING EQUIPMENT ON A PIER;

(2) A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR

(3) AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND, HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.

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PIER—ANY PIER, WHARF, DOCK, WALKWAY, BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE. DOES NOT INCLUDE STRUCTURES ON PILINGS OR STILTS LANDWARD OF STATE OR PRIVATE WETLANDS.

Chapter 297. ZONING ORDINANCE

Article IX: Critical Area Zone (Overlay Zone)

Section 297-131. Critical Area Buffer regulations.

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C. Buffer development standards.

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(H) NONWATER-DEPENDENT PROJECTS LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA.

(1) A NONWATER-DEPENDENT PROJECT LOCATED ON STATE OR PRIVATE WETLAND WITHIN THE CRITICAL AREA MAY BE PERMITTED IF THE PROJECT:

(A) INVOLVES A COMMERCIAL ACTIVITY THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE TO A PERMITTED PRINCIPAL COMMERCIAL USE;

(B) IS NOT LOCATED ON A PIER ATTACHED TO A RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;

(C) IS LOCATED IN:

(I) AN INTENSE DEVELOPMENT ZONE;

(II) AN AREA EXCLUDED FROM THE CRITICAL AREA;

(D) OBTAINS ALL APPLICABLE STATE AND LOCAL PERMITS;

(E) ALLOWS OR ENHANCES PUBLIC ACCESS TO STATE WETLANDS, IF APPLICABLE;

(F) DOES NOT EXPAND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER ON WHICH THE PROJECT IS CONSTRUCTED;

(G) HAS A HEIGHT OF UP TO 18 FEET UNLESS THE PROJECT IS LOCATED AT A MARINA; AND

(H) IS UP TO 1,000 SQUARE FEET IN TOTAL AREA; OR

(I) IS LOCATED ON A PIER THAT WAS IN EXISTENCE ON OR BEFORE DECEMBER 31, 2012;

(II) SATISFIES ALL OF THE REQUIREMENTS OF (A) – (G) ABOVE; AND

(III) IF APPLICABLE, HAS A TEMPORARY OR PERMANENT ROOF OR COVERING THAT IS UP TO 1,000 SQUARE FEET IN TOTAL AREA

(2) A SMALL-SCALE RENEWABLE ENERGY SYSTEM ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS MAY PERMITTED IF THE PROJECT:

(A) INVOLVES THE INSTALLATION OR PLACEMENT OF A SMALL-SCALE RENEWABLE ENERGY SYSTEM THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE ON A PIER THAT IS AUTHORIZED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND

(B) OBTAINS ALL APPLICABLE STATE AND LOCAL PERMITS.

A PERMIT MAY INCLUDE THE PLACEMENT OF:

(I) A SOLAR ENERGY SYSTEM ATTACHED TO A PIER IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND MORE THAN:

(A) FOUR (4) FEET ABOVE OR 18 INCHES BELOW THE DECK OF THE PIER; OR

(B) ONE (1) FOOT BEYOND THE LENGTH OR WIDTH OF THE PIER.

(II) A SOLAR ENERGY SYSTEM ATTACHED TO A PILING IF THERE IS ONLY ONE SOLAR PANEL PER BOAT SLIP;

(III) A SOLAR ENERGY SYSTEM ATTACHED TO A BOATHOUSE ROOF IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND BEYOND THE LENGTH, WIDTH, OR HEIGHT OF THE BOATHOUSE ROOF;

(IV) A CLOSED-LOOP GEOTHERMAL HEAT EXCHANGER UNDER A PIER IF THE GEOTHERMAL HEAT EXCHANGER OR ANY ASSOCIATED DEVICES OR EQUIPMENT DO NOT:

(A) EXTEND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER;

(B) NEGATIVELY ALTER LONG SHORE DRIFT;

(C) CAUSE SIGNIFICANT INDIVIDUAL OR CUMULATIVE THERMAL IMPACTS TO AQUATIC RESOURCES; OR

(V) A WIND ENERGY SYSTEM ATTACHED TO A PIER IF THERE IS ONLY ONE WIND ENERGY SYSTEM PER PIER FOR WHICH:

(A) THE HEIGHT FROM THE DECK OF THE PIER TO THE BLADE EXTENDED AT ITS HIGHEST POINT IS UP TO 12 FEET;

(B) THE ROTOR DIAMETER OF THE WIND TURBINE IS UP TO FOUR (4) FEET; AND

(C) THE SETBACKS OF THE WIND ENERGY SYSTEM FROM THE NEAREST PROPERTY LINE AND FROM THE CHANNEL WARD EDGE OF THE PIER TO WHICH THAT SYSTEM IS ATTACHED ARE AT LEAST 1.5 TIMES THE

TOTAL HEIGHT OF THE SYSTEM FROM ITS BASE TO THE BLADE EXTENDED AT ITS HIGHEST POINT.

Chapter 297. ZONING ORDINANCE

Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions

Section 297-211. Alphabetical listings.

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Slaughterhouses	1.01.460
SOLAR ENERGY SYSTEM, LARGE	7.07.200
SOLAR ENERGY SYSTEM, SMALL	7.07.100
Specialty shops, more than 15,000 square feet or floor area per parcel	6.01.122
Stables, commercial	1.01.500
Stadiums and coliseums with seating capacity more than 1,000	4.02.123
Storage, outside, where stored equipment is owned and used by the person making use of the lot and storage occupies more than 75% of the developed area	7.02.300
Storage, petroleum products	7.02.240
Storage, warehouse	7.02.220
Storage, warehouse, mini-	7.02.230
Stump/wood grinding	7.01.290
Surface mining	7.05.100
Theaters, open-air amphitheaters	4.02.260
Towers more than 50 feet tall	4.06.300
Union halls, meeting halls	4.01.400
Utilities, public: electric power, gas transmission and tele-communications buildings and structures, not associated with a tower	4.06.200
Utilities, public: towers and antennas more than 50 feet tall	4.06.300
WIND ENERGY SYSTEM, LARGE	7.07.400
WIND ENERGY SYSTEM, SMALL	7.07.300

Chapter 297. ZONING ORDINANCE

Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions

Section 297-212. Uses corresponding with Table of Permissible Uses.

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(129) 7.07.000 ALTERNATIVE ENERGY SYSTEMS

(130) 7.07.100 SOLAR ENERGY SYSTEM, SMALL

A SMALL SOLAR ENERGY SYSTEM SHALL BE PERMITTED WITH CONDITIONS IN ALL ZONES, AS AN ACCESSORY USE TO A RESIDENTIALLY OR COMMERCIALLY DEVELOPED PROPERTY, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:

A. ENERGY. THE ENERGY GENERATED BY THE SMALL SOLAR ENERGY SYSTEM SHALL BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, IN ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.

B. THE CONSTRUCTION OF THE SMALL SOLAR ENERGY SYSTEM SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING PERMIT APPLICATION. IF THE SMALL SOLAR ENERGY SYSTEM IS TO BE INTER-CONNECTED TO THE LOCAL UTILITY POWER GRID, A COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE REQUIRED BUILDING PERMIT.

C. SETBACKS. GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL BE INSTALLED WITHIN THE SIDE AND REAR SETBACK LINES AS REQUIRED BY THE ZONE IN WHICH THE PROPERTY IS LOCATED. OFF-GRID / STAND-ALONE SYSTEMS THAT PROVIDE POWER FOR OUTDOOR LIGHTING PURPOSES ARE EXEMPT FROM THIS REQUIREMENT, SUCH AS STREET LIGHTS, TRAFFIC SIGNALS AND ROADWAY SIGNAGE AMONG OTHERS.

D. GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS.

(1) THE TOTAL HEIGHT OF THE SOLAR ENERGY SYSTEM, INCLUDING ANY MOUNTS SHALL NOT EXCEED 10 FEET

ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT. IF THE SOLAR ENERGY SYSTEM IS INTENDED TO PROVIDE POWER FOR OUTDOOR LIGHTING, THE SYSTEM SHALL NOT EXTEND HIGHER THAN THE PERMITTED HEIGHT OF THE STRUCTURE TO WHICH IT IS ATTACHED AND/OR INTER-CONNECTED TO.

(2) SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE FOUNDATION, IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE OPERATION AND STABILITY OF THE SYSTEM. THE MOUNTING STRUCTURE (FIXED OR TRACKING CAPABLE) SHALL BE COMPRISED OF MATERIALS APPROVED BY THE MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT THE SYSTEM COMPONENTS AND WITHSTAND ADVERSE WEATHER CONDITIONS. DESIGNS FOR WIND AND SOLAR RACK SYSTEMS MUST BE SIGNED BY A LICENSED PROFESSIONAL ENGINEER, AND POLE AND RACK DESIGNS MUST BE CONSISTENT WITH CURRENT CODE FOR STRUCTURES TO ENSURE COMPLIANCE WITH LOAD PATH, UPLIFT, AND WIND DESIGN REQUIREMENTS.

(3) MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED APART AT THE DISTANCE RECOMMENDED BY THE MANUFACTURER TO ENSURE SAFETY AND MAXIMUM EFFICIENCY.

(4) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A NUISANCE OR SAFETY HAZARD.

(5) IT SHALL BE DEMONSTRATED THAT THE SMALL SOLAR ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC RESOURCES.

(6) ANY ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE UNDERGROUND (TRENCHED) EXCEPT WHERE WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO SYSTEM COMPONENTS AND/OR THE LOCAL UTILITY POWER GRID.

(7) NO GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL BE AFFIXED TO A BLOCK WALL OR FENCE.

E. ROOF-MOUNTED SMALL SOLAR ENERGY SYSTEMS.

(1) ROOF-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL INCLUDE INTEGRATED SOLAR SHINGLES, TILES, OR PANELS AS THE SURFACE LAYER OF THE ROOF STRUCTURE WITH NO ADDITIONAL APPARENT CHANGE IN RELIEF OR PROJECTION (THE PREFERRED INSTALLATION), OR SEPARATE FLUSH OR FRAME-MOUNTED SOLAR PANELS ATTACHED TO THE ROOF SURFACE.

(2) SEPARATE FLUSH OR FRAME-MOUNTED SMALL SOLAR ENERGY SYSTEMS INSTALLED ON THE ROOF OF A BUILDING OR STRUCTURE SHALL NOT:

(A) PROJECT VERTICALLY ABOVE THE PEAK OF THE SLOPED ROOF TO WHICH IT IS ATTACHED; OR

(B) PROJECT VERTICALLY MORE THAN FIVE (5) FEET ABOVE A FLAT ROOF INSTALLATION (DEFINED AS A ROOF WITH A PITCH OF LESS THAN 1 TO 5 VERTICAL: HORIZONTAL).

(3) THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE VI.

(4) ACCESS AND EGRESS SHALL BE PROVIDED TO THE ROOF AND PATHWAYS ON THE ROOF.

(5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING

PROPERTY OR ADJACENT ROAD WHEN IT CREATES A NUISANCE OR SAFETY HAZARD.

F. APPEARANCE.

(1) APPEARANCE, COLOR, AND FINISH. THE SMALL SOLAR ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED WITH THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY THE MANUFACTURER, OR COLOR TO MATCH THE EXTERIOR OF THE HOME ON WHICH THE SOLAR SYSTEM IS MOUNTED.

(2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING SIGNS, OR OWNER IDENTIFICATION ON A SMALL SOLAR ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2) MANUFACTURER LABELS BONDED TO OR PAINTED UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.

G. CODE COMPLIANCE. A SMALL SOLAR ENERGY SYSTEM SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.

H. UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL SOLAR ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

I. WHEN BATTERIES ARE INCLUDED AS PART OF THE SMALL SOLAR ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINER OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET THE REQUIREMENTS OF THE MARYLAND BUILDING AND ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND

REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY SCREENED FROM VIEW.

J. ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE RECYCLED WHENEVER POSSIBLE.

K. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A SMALL SOLAR ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER.

(131) 7.07.200 SOLAR ENERGY SYSTEM, LARGE

LARGE SOLAR ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN ALL ZONES, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:

A. ENERGY. THE ELECTRICITY GENERATED BY THE LARGE SOLAR ENERGY SYSTEM SHALL BE SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

B. THE CONSTRUCTION OF THE LARGE SOLAR ENERGY SYSTEM SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING PERMIT APPLICATION. IF THE LARGE SOLAR ENERGY SYSTEM IS TO BE INTER-CONNECTED TO THE LOCAL UTILITY POWER GRID, A COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE REQUIRED BUILDING PERMIT.

C. SETBACKS. GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL BE SETBACK A MINIMUM OF FIFTY (50) FEET FROM ANY PROPERTY LINE.

D. GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS.

(1) THE TOTAL HEIGHT OF THE SOLAR ENERGY SYSTEM, INCLUDING ANY MOUNTS, SHALL NOT EXCEED TWENTY-FIVE (25) FEET ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT.

(2) SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE FOUNDATION, IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE OPERATION AND STABILITY OF THE SYSTEM. THE MOUNTING STRUCTURE (FIXED OR TRACKING CAPABLE) SHALL BE COMPRISED OF MATERIALS APPROVED BY THE MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT THE SYSTEM COMPONENTS AND WITHSTAND ADVERSE WEATHER CONDITIONS.

(3) MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED APART AT THE DISTANCE RECOMMENDED BY THE MANUFACTURER TO ENSURE SAFETY AND MAXIMUM EFFICIENCY.

(4) SHALL BE FULLY SCREENED FROM ADJOINING PROPERTIES AND ADJACENT ROADS BY A BUFFERYARD D. LOCATION OF THIS BUFFERYARD MUST TAKE SHADING INTO ACCOUNT SO IT DOES NOT AFFECT THE SYSTEM'S EFFICIENCY. APPROPRIATE FENCING SHALL BE PROVIDED FOR SAFETY.

(5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING PROPERTY OR ADJACENT ROAD WHEN IT CREATES A NUISANCE OR SAFETY HAZARD.

(6) IT SHALL BE DEMONSTRATED THAT THE LARGE SOLAR ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC RESOURCES.

(7) ANY ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE UNDERGROUND (TRENCHED) EXCEPT WHERE WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO SYSTEM COMPONENTS AND/OR THE LOCAL UTILITY POWER GRID.

(8) NO GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL BE AFFIXED TO A BLOCK WALL OR FENCE.

E. ROOF-MOUNTED LARGE SOLAR ENERGY SYSTEMS.

(1) ROOF-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL INCLUDE INTEGRATED SOLAR SHINGLES, TILES, OR PANELS AS THE SURFACE LAYER OF THE ROOF STRUCTURE WITH NO ADDITIONAL APPARENT CHANGE IN RELIEF OR PROJECTION (THE PREFERRED INSTALLATION), OR SEPARATE FLUSH OR FRAME-MOUNTED SOLAR PANELS ATTACHED TO THE ROOF SURFACE.

(2) SEPARATE FLUSH OR FRAME-MOUNTED LARGE SOLAR ENERGY SYSTEMS INSTALLED ON THE ROOF OF A BUILDING OR STRUCTURE SHALL NOT:

(A) PROJECT VERTICALLY ABOVE THE PEAK OF THE SLOPED ROOF TO WHICH IT IS ATTACHED; OR

(B) PROJECT VERTICALLY MORE THAN EIGHT (8) FEET ABOVE A FLAT ROOF INSTALLATION.

(3) THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE VI.

(4) IT SHALL BE DEMONSTRATED THAT THE PLACEMENT OF THE SYSTEM SHALL NOT ADVERSELY EFFECT SAFE ACCESS TO THE ROOF, PATHWAYS TO SPECIFIC AREAS OF THE ROOF, AND SAFE EGRESS FROM THE ROOF.

(5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING

PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A NUISANCE OR SAFETY HAZARD.

F. APPEARANCE.

(1) APPEARANCE, COLOR, AND FINISH. THE LARGE SOLAR ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED IN THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY THE MANUFACTURER.

(2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING SIGNS, OR OWNER IDENTIFICATION ON A LARGE SOLAR ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2) MANUFACTURER LABEL BONDED TO OR PAINTED UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.

G. CODE COMPLIANCE. A LARGE SOLAR ENERGY SYSTEM SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.

H. UTILITY NOTIFICATION AND INTER-CONNECTION. LARGE SOLAR ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

I. WHEN BATTERIES ARE INCLUDED AS PART OF THE LARGE SOLAR ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINER OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET THE REQUIREMENTS OF THE MARYLAND BUILDING AND ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY SCREENED FROM VIEW. SPECIALTY- BUILT BUILDINGS FOR BATTERY STORAGE ARE PERMITTED FOR LARGE PROJECTS.

J. ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE RECYCLED WHENEVER POSSIBLE.

K. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A LARGE SOLAR ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER.

L. EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN THE RESOURCE CONSERVATION ZONE.

(132) 7.07.300 WIND ENERGY SYSTEM, SMALL

A SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED WITH CONDITIONS IN ALL ZONES, AS AN ACCESSORY USE TO A RESIDENTIALLY OR COMMERCIALLY DEVELOPED PROPERTY, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:

A. THE ELECTRICITY GENERATED BY THE SMALL WIND ENERGY SYSTEM SHALL BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC POWER GRID TO OFF-SET ENERGY ON THE SUBJECT PROPERTY, IN ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.

B. THE CONSTRUCTION OF THE SMALL WIND ENERGY SYSTEM SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING PERMIT APPLICATION. IF THE SMALL WIND ENERGY SYSTEM IS TO BE INTER-CONNECTED TO THE LOCAL UTILITY GRID, A COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE REQUIRED BUILDING PERMIT.

C. SETBACKS.

(1) A WIND TOWER FOR A SMALL WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL TIP HEIGHT (THE DISTANCE FROM THE BASE OF THE STRUCTURE TO THE HIGHEST POINT OF THE ROTOR) PLUS FIVE (5) FEET FROM:

(A) ANY STATE OR COUNTY RIGHT-OF-WAY OR THE NEAREST EDGE OF A STATE OR COUNTY ROADWAY, WHICHEVER IS CLOSER;

(B) ANY SHARED RIGHT OF INGRESS OR EGRESS ON THE OWNER'S PROPERTY;

(C) ANY OVERHEAD UTILITY LINES;

(D) ALL PROPERTY LINES; AND

(E) ANY EXISTING GUY WIRE OR ANCHOR ON THE PROPERTY.

(2) GUY WIRE ANCHORS SHALL NOT EXTEND CLOSER THAN TEN (10) FEET FROM ANY PROPERTY LINE.

(3) FOR ROOF-MOUNTED SYSTEMS, THE MINIMUM REQUIRED SETBACKS FOR THE STRUCTURE TO EACH APPLICABLE PROPERTY LINE, AS MEASURED FROM THE BASE OF THE MOUNTED WIND ENERGY STRUCTURE, SHALL BE THE MINIMUM SETBACK REQUIRED FOR AN ACCESSORY STRUCTURE PLUS FIFTEEN (15) FEET. NO ROOF-MOUNTED SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED ON A DUPLEX, TOWNHOUSE, OR MULTI-FAMILY RESIDENTIAL STRUCTURE.

D. THE EXPOSED BLADE TIP OF ANY GROUND-MOUNTED WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE GROUND CLEARANCE OF NO LESS THAN FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE EXPOSED BLADES. THE EXPOSED BLADE TIP OF ANY ROOF-MOUNTED WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE CLEARANCE OF NO LESS THAN EIGHT (8) FEET ABOVE THE BASE OF THE STRUCTURE. FOR WIND TURBINES WITHOUT

EXPOSED BLADES, THE GROUND CLEARANCE SHALL BE AS DETERMINED APPROPRIATE BY THE MANUFACTURER.

E. THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE AS DESCRIBED IN ARTICLE VI. THE COMBINED HEIGHT SHALL NOT EXCEED THE MAXIMUM HEIGHT BY MORE THAN FIVE (5) FEET IN COMMERCIAL AND INDUSTRIAL ZONES.

F. ACCESS.

(1) ALL GROUND MOUNTED ELECTRICAL AND CONTROL EQUIPMENT SHALL BE LABELED AND SECURED TO PREVENT UNAUTHORIZED ACCESS.

(2) THE TOWER SHALL BE DESIGNED AND INSTALLED SO AS TO NOT PROVIDE STEP BOLTS OR A LADDER READILY ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF TEN (10) FEET ABOVE THE GROUND.

G. ELECTRICAL WIRES. ELECTRICAL CONTROLS AND CONTROL WIRING AND POWER-LINES SHALL BE WIRELESS OR UNDERGROUND EXCEPT WHERE SMALL WIND ENERGY SYSTEM WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO THE TRANSMISSION OR DISTRIBUTION NETWORK, ADJACENT TO THAT NETWORK.

H. LIGHTING AND APPEARANCE.

(1) A WIND TOWER AND GENERATOR SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) OR OTHER APPLICABLE AUTHORITY.

(2) APPEARANCE, COLOR, AND FINISH. THE WIND GENERATOR AND WIND TOWER SHALL REMAIN PAINTED OR FINISHED THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY THE MANUFACTURER.

(3) ALL SIGNS, OTHER THAN THE MANUFACTURER'S OR INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING

SIGNS, OR OWNER IDENTIFICATION ON A WIND GENERATOR, WIND TOWER, BUILDING, OR OTHER STRUCTURE ASSOCIATED WITH A SMALL WIND ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2) MANUFACTURER LABEL BONDED TO OR PAINTED UPON THE SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED.

I. CODE COMPLIANCE.

(1) A SMALL WIND ENERGY SYSTEM, INCLUDING WIND TOWER, SHALL COMPLY WITH ALL APPLICABLE BUILDING AND ELECTRICAL CODES.

(2) A SMALL WIND ENERGY SYSTEM MUST COMPLY WITH REGULATIONS OF THE FEDERAL AVIATION ADMINISTRATION (FAA), IF APPLICABLE, INCLUDING ANY NECESSARY APPROVALS FOR INSTALLATIONS CLOSE TO AIRPORTS.

J. ALL SUPPORTING TOWERS FOR A SMALL WIND ENERGY DEVICE SHALL BE SPECIFICALLY ENGINEERED TO SUPPORT A WIND TURBINE. THE USE OR MODIFICATION OF A SUPPORTING TOWER ORIGINALLY DESIGNED FOR A TELECOMMUNICATION ANTENNA AS A SUPPORTING TOWER FOR A SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED. SUPPORTING TOWERS CONSTRUCTED OF ALUMINUM SHALL BE PROHIBITED. COORDINATION WITH THE OWNER OF THE TOWER SHALL BE REQUIRED TO PREVENT ANY INTERFERENCE WITH EXISTING EQUIPMENT ON THE TOWER.

K. IT SHALL BE DEMONSTRATED THAT THE SMALL WIND ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC RESOURCES.

L. A SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH THE NOISE LIMITATIONS CONTAINED IN THE CODE OF CHARLES COUNTY, CHAPTER 260, NOISE CONTROL; HOWEVER, THE NOISE LIMITATIONS MAY BE EXCEEDED DURING SHORT-TERM EVENTS SUCH AS UTILITY

OUTAGES AND/OR SEVERE WINDSTORMS. COMPLIANCE WITH CHAPTER 260 SHALL BE DEMONSTRATED WITH EITHER SOUND PRESSURE LEVELS PROVIDED BY THE MANUFACTURER OR NOISE CONTOURS PREPARED BY A LICENSED ENGINEER OR A QUAILFIED PROFESSIONAL NOISE ANALYST.

M. UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL WIND ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

N. ALL OBSOLETE OR UNUSED FACILITIES SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE RECYCLED WHENEVER POSSIBLE.

O. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A SMALL WIND ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER.

P. VARIANCES. FOR VARIANCES TO THE STANDARDS CONTAINED HEREIN, THE BOARD OF APPEALS MAY REQUIRE WIND SPEED MEASUREMENTS, SOUND PRESSURE LEVEL MEASUREMENTS, SIGNED EASEMENTS FROM ADJACENT PROPERTY OWNERS, OR ANY OTHER INFORMATION DEEMED NECESSARY BY THE BOARD. WHEN REQUIRED, WEIGHTED SOUND NOISE PRESSURE LEVELS SHALL BE MEASURED WITH A C-WEIGHTED FILTER.

(133) 7.07.400 WIND ENERGY SYSTEM, LARGE

LARGE WIND ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN ALL ZONES SUBJECT TO THE SAME CONDITIONS AS SPECIFIED IN USE 7.07.300, ITEMS B.-P.; AS WELL AS:

A. ENERGY. THE ELECTRICITY GENERATED BY THE LARGE WIND ENERGY SYSTEM SHALL BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT PROPERTY, INTER-CONNECTION TO THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER GRID, AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

(1) THE TOTAL HEIGHT OF THE LARGE WIND ENERGY SYSTEM SHALL NOT EXCEED ONE HUNDRED FIFTY (150) FEET.

(2) INSURANCE. PROOF OF THE APPLICANT'S PUBLIC LIABILITY INSURANCE IS REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

B. EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF b NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN THE RESOURCE CONSERVATION ZONE.

SECTION 2. BE IT FURTHER ENACTED, that Figure IV-1, The Table of Permissible Uses, attached hereto is made apart hereof.

SECTION 3. BE IT FURTHER ENACTED, that this act shall take effect forty-five (45) calendar days after it becomes law.

ADOPTED this _____ day of _____, 2014.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

_____
Candice Quinn Kelly, President

_____
Reuben B. Collins, II, Esq., Vice President

_____
Ken Robinson

_____
Debra M. Davis, Esq.

_____
Bobby Rucci

ATTEST:

_____
Denise Ferguson, Clerk to the Commissioners